



Queensland

Transport and Other Legislation Amendment Regulation (No. 3) 2022

Subordinate Legislation 2022 No. 122

made under the

State Penalties Enforcement Act 1999

Transport Operations (Marine Safety) Act 1994

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation Amendment Regulation (No. 3) 2022*.

2 Commencement

The following provisions commence on 16 September 2022—

- (a) parts 2 and 4;
- (b) sections 11 to 21.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

3 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

4 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*—

insert—

s 78A(2)	3
s 78A(4)	3

[s 5]

Part 3 Amendment of Transport Operations (Marine Safety) Regulation 2016

5 Regulation amended

This part amends the *Transport Operations (Marine Safety) Regulation 2016*.

6 Amendment of sch 3 (Compulsory pilotage areas)

Schedule 3, section 9, paragraph (a), third dot point, ‘145° 51.450’—

omit, insert—

146° 51.450'

Part 4 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

7 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*.

8 Amendment of sch 5 (Demerit points)

Schedule 5, part 4, after section 24—

insert—

24A Improper passing of emergency response vehicles

The number of demerit points for an offence against the Queensland Road Rules, section

78A(2) or (4) is 3.

Part 5 **Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009**

9 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

10 **Amendment of s 24A (Speed limit for certain vehicles)**

(1) Section 24A(2)(c) and (d)—

omit, insert—

- (c) for a driver driving a road train, other than a B-triple or an oversize vehicle mentioned in paragraph (b)—90km/h;
- (d) for a driver driving a bus with a GVM over 5t, a B-triple, or another vehicle with a GVM over 12t, other than an oversize vehicle mentioned in paragraph (b) or a road train mentioned in paragraph (c)—100km/h.

(2) Section 24A(3)—

insert—

B-triple means a B-triple under the Heavy Vehicle National Law (Queensland).

11 **Insertion of new s 78A**

After section 78—

insert—

78A Approaching and passing emergency response vehicles

- (1) This section applies to a driver, other than the rider of a bicycle, approaching an emergency response vehicle that is—
 - (a) parked on a road on which the driver is driving; and
 - (b) displaying a flashing warning light.
- (2) If the driver is driving on a multi-lane road, the driver must not drive past the emergency response vehicle unless—
 - (a) the driver passes the emergency response vehicle in a clear lane of the road leaving at least 1 other clear lane between the driver's vehicle and the emergency response vehicle; or
 - (b) if the circumstances mentioned in subsection (3) apply to the driver when passing the emergency response vehicle—
 - (i) the driver's vehicle is a sufficient distance from the emergency response vehicle, an associated parked vehicle or an associated person to avoid a collision with the vehicle or person; and
 - (ii) the driver drives at a speed that does not put at risk the safety of any associated person.

Maximum penalty—30 penalty units.

- (3) For subsection (2)(b), the circumstances are—
 - (a) it is not safe or practicable for the driver to drive past the emergency response vehicle leaving at least 1 clear lane; or
 - (b) the driver is complying with a direction of—

-
- (i) an authorised officer; or
 - (ii) an authorised officer under the Heavy Vehicle National Law (Queensland); or
 - (c) the driver is turning at an intersection; or
 - (d) the driver is entering or leaving a roundabout; or
 - (e) there are roadworks near the emergency response vehicle and the driver has not passed the end of the roadworks.
- (4) If the driver is driving on a road that is not a multi-lane road, the driver must not drive past the emergency response vehicle unless, when passing the emergency response vehicle—
- (a) the driver’s vehicle is a sufficient distance from the emergency response vehicle, an associated parked vehicle or an associated person to avoid a collision with the vehicle or person; and
 - (b) the driver drives at a speed that does not put at risk the safety of any associated person.

Maximum penalty—30 penalty units.

- (5) The driver does not commit an offence against this section if the driver is driving on a road divided by a median strip and the emergency response vehicle is on the other side of the road beyond the median strip.
- (6) In this section—

approaching, for a driver, means approaching from any direction.

associated parked vehicle, in relation to an emergency response vehicle that is parked on a road and displaying a flashing warning light, means—

[s 12]

- (a) another vehicle, other than an emergency response vehicle, parked on the road in the immediate vicinity of the emergency response vehicle; or
- (b) another emergency response vehicle that is parked on the road in the immediate vicinity of the emergency response vehicle and not displaying a flashing warning light.

associated person, in relation to an emergency response vehicle that is parked on a road and displaying a flashing warning light, includes—

- (a) the driver and a passenger of the emergency response vehicle; and
- (b) the driver and a passenger of an associated parked vehicle; and
- (c) another person in the immediate vicinity of the emergency response vehicle.

clear lane, for a multi-lane road, means a marked lane of the road, other than a bicycle lane, if no part of an emergency response vehicle that is parked on the road and displaying a flashing warning light, an associated parked vehicle or an associated person is in the lane.

12 Amendment of s 104 (No trucks signs)

Section 104(6)—

omit, insert—

- (6) Subsections (1) to (3) do not apply to—
 - (a) a driver of a motorised caravan on the Brisbane Urban Corridor or on the part of the Ipswich Motorway between Granard Road and the Albert Street pedestrian bridge at Goodna; or

- (b) a driver passing an emergency response vehicle under section 78A(2) or (4).

13 Amendment of s 130 (Keeping to the left on a multi-lane road)

Section 130(2)—

insert—

- (j) the driver is passing an emergency response vehicle under section 78A(2).

14 Amendment of s 146 (Driving within a single marked lane or line of traffic)

(1) Section 146(1)—

insert—

- (i) passing an emergency response vehicle under section 78A(2).

(2) Section 146(2)—

insert—

- (h) the driver is passing an emergency response vehicle under section 78A(2) or (4).

15 Amendment of s 147 (Moving from 1 marked lane to another marked lane across a continuous line separating the lanes)

Section 147(1)—

insert—

- (g) the driver is passing an emergency response vehicle under section 78A(2).

16 Amendment of s 150 (Driving on or across a continuous white edge line)

Section 150(1A)—

insert—

- (e) passing an emergency response vehicle under section 78A(2) or (4).

17 Amendment of s 154A (Bus only lanes)

Section 154A(2)—

insert—

- (e) the driver is passing an emergency response vehicle under section 78A(2) or (4).

18 Amendment of s 158 (Exceptions to driving in special purpose lanes etc.)

Section 158(2)—

insert—

- (c) the driver is passing an emergency response vehicle under section 78A(2) or (4).

19 Amendment of s 159 (Marked lanes required to be used by particular kinds of vehicles)

Section 159(1)—

insert—

- (e) the driver is passing an emergency response vehicle under section 78A(2) or (4).

20 Amendment of s 313B (Exemption for breakdown vehicles)

- (1) Section 313B, heading, ‘breakdown’—

omit, insert—

motor breakdown service

- (2) Section 313B(1), ‘breakdown’—
omit, insert—
motor breakdown service
- (3) Section 313B(1)(c), after ‘flashing’—
insert—
yellow warning
- (4) Section 313B(3)—
omit.

21 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

emergency response vehicle means—

- (a) a vehicle being used, including when parked, by—
- (i) the department; or
 - (ii) the Queensland Ambulance Service; or
 - (iii) the Queensland Fire and Emergency Service established under the *Fire and Emergency Services Act 1990*; or
 - (iv) the Queensland Police Service; or
 - (v) a rural fire brigade registered under the *Fire and Emergency Services Act 1990*; or
 - (vi) the State Emergency Service under the *Fire and Emergency Services Act 1990*; or

(vii) the National Heavy Vehicle Regulator established under the *Heavy Vehicle National Law (Queensland)*; or

- (b) a motor breakdown service vehicle; or
- (c) a tow truck.

motor breakdown service vehicle means a vehicle—

- (a) clearly marked as a vehicle that provides a service for another vehicle that is disabled on a road; and
- (b) fitted with a yellow warning light.

warning light—

- (a) means a light that displays regular flashes of blue, red, magenta or yellow light; but
- (b) does not include a direction indicator light or hazard warning light.

ENDNOTES

- 1 Made by the Governor in Council on 8 September 2022.
- 2 Notified on the Queensland legislation website on 9 September 2022.
- 3 The administering agency is the Department of Transport and Main Roads.

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